

BOARD OF NURSING
MINUTES
SEPTEMBER 30, 2005

CONVENED: 8:15 a.m.

ADJOURNED: 1:50 p.m.

CONDUCTING: Diane Forster-Burke 8:15 to 9:00 a.m.
Cathy Hadden

MEMBERS PRESENT: Diane Forster-Burke
Marilyn Johnson
Susan Kirby
Joel Allred
Yvonne Sehy
Mary Williams
Pam Rice
Cathy Hadden

MEMBERS EXCUSED: Lynn Price
Marie Partridge
Nancy Knape

TOPIC OF DISCUSSION:

DECISIONS/RECOMMENDATIONS:

TOTAL BOARD MINUTES –
AUGUST 26, 2005:

Approved with corrections.

PROBATION PEER COMMITTEE
MINUTES – AUGUST 26, 2005:

Approved with corrections.

INTRODUCTION AND SWEARING
IN OF SUSAN KIRBY, NEW BOARD
MEMBER:

Ms. Poe conducted the swearing in of new board member, Susan Kirby. Ms. Kirby was welcomed by Board members.

ENVIRONMENTAL SCAN:

Ms. Poe reported that the members of the Legislative Education Interim Committee voiced support of the Glucagon Bill to be introduced by Patrice Arent.

Ms. Poe indicated that IHC has pulled out of the clinical consortium. Ms. Poe indicated that new programs will need to document clinical contracts when

applying for approval.

Ms. Poe reported that the Order to Show Cause Hearing pilot will begin October 1, 2005.

Ms. Poe updated the Board regarding the State Boards of Nursing affected by Hurricane Katrina. She indicated that the Alabama Board was not affected. The Mississippi Board had staffing issues but they are up and running. She indicated that the PN and RN Louisiana Boards had been destroyed, but the PN board is now functioning in a new location. The RN Board had just submitted a data dump to the NCSBN and NCSBN will process Louisiana verifications for now. Ms. Poe indicated the Division will not waive licensure requirements or issue a temporary license, but will help expedite those applicants from Louisiana.

DISCIPLINE REPORT, CONNIE
CALL:

The Discipline report is attached.

TERESA YONK WILLIAMS,
REQUEST TO TERMINATE
PROBATION:

A Motion was made to terminate probation. The Motion was seconded. Ms. Hadden abstained. All other Board members in favor of terminating probation.

RICHARD BOYCE, REQUEST TO
BE ALLOWED THE PERSONAL
USE OF ALCOHOL:

Mr. Boyce's Order reads that the Division shall review the substance abuse and mental health evaluations to determine if he must abstain from the personal use or possession of alcohol. Dennis Ahern, Ph.D. submitted an evaluation that indicated Mr. Boyce is not a habitual substance abuser and stated that no further substance abuse intervention is recommended. Dr. Ahern recommended

Mr. Boyce continue in psychotherapy with his counselor to help deal with his issues of self-esteem and personal discomfort. Board members must also determine whether or not Mr. Boyce will be required to attend PIR and 12-step meetings. Based on the evaluation, a Motion was made that Mr. Boyce will not be restricted from the personal use of alcohol. He will not be required to attend 12-step or PIR meetings. However, he will be required to continue with therapy to address the issues of self-esteem and personal discomfort. The Motion died for lack of a second. Board members again discussed the evaluation and the request. Ms. Forster-Burke made the Motion not to restrict Mr. Boyce from the personal use of alcohol, not to require attendance at 12-step or PIR meetings, and to continue with individual therapy. Mr. Allred seconded the Motion. Ms. Rice and Dr. Sehy abstained. All other Board members in favor.

ADJOURNED TO PROBATION
PEER COMMITTEE AT 9:00 A.M.

RECONVEND TO TOTAL BOARD
AT 11:10 A.M.

REPORT FROM COMMITTEES:

Alan Call: Mr. Call is in compliance with the terms and conditions of his Order. He requested termination of attending 12-step meetings or at least to reduce the number of meeting he needs to attend per month. A Motion was made to reduce attendance to twice a month. All Board members in favor.

Brittany Finlay: Ms. Finlay did not appear for her scheduled interview. She will be invited to meet with the Board next month.

Marriner Merrill: Mr. Merrill did not appear for his scheduled interview. He missed the meeting last month and Board members made a Motion to refer Mr. Merrill for an Order to Show Cause Hearing. All Board members in favor.

Kris Evenson: Ms. Evenson has completed her five year probation. Probation will end as scheduled.

Brenda Chipman: Ms. Chipman did not meet with the Board, however was excused. She will be invited to meet with the Board next month.

STACEY ROBERTS:

Ms. Roberts' license is on suspension until she documents complete compliance for a period of four months. Ms. Roberts' suspension will continue until she documents completion of a substance abuse treatment program (to be followed by at least one year of aftercare), remains in individual therapy, documents regular attendance at PIR and 12-step meetings, maintains clean urine screens, and does not miss calling CVI.

DISCUSSION REGARDING CNM'S
BECOMING LICENSED AS APRN'S:

Ms. Poe reported that at one time CNMs were also licensed as APRNs. In the 1990's after revising the CNM Practice Act, the Division convinced CNMs they did not need the APRN license. CNMs are not being reimbursed by insurance companies because they do not have the APRN license. Several CNMs have requested they be allowed to be licensed as APRNs. Licensure requirements for the APRN are to hold a graduate degree in nursing and have current national certification as listed in the rules. The American College of Nurse Midwives

Certification Council is not an approved certification for APRN licensure. The CNM is not allowed to sit for the National Certification Corporation for the Obstetric, Gynecologic and Neonatal Nursing Specialties because of scope of practice issues. Dr. Sehy questioned whether or not the CNM education is limited to childbirth and wondered if the Board should review the curriculum of the CNM to determine whether or not they have course work in general care for women. Ms. Poe indicated that the CNM is educationally prepared to do women's health. They would have to practice within their scope of practice just as all other APRNs are required to do.

It was suggested that the CNM certification examination be added to the accepted certifications for the APRN and then the CNM could also be licensed as an APRN as long as the individual had a masters degree in nursing. Dr. Sehy stated she would like to hear from Nurse Practitioner and CNM colleagues before making a decision. Dr. Williams made a Motion to add the certification exam from the American College of Nurse Midwives Certification Council as an accepted certification examination for APRN licensure. Ms. Kirby seconded the Motion. Dr. Sehy opposed. All other Board members voted in favor of the Motion.

REVIEW PROPOSED RULES
CHANGES:

The proposed changes/additions are:
1). Section 102. Definitions. Add mental health therapist as other specified health care professional who may direct the licensed practical nurse. Board members agree with this addition.
2). Section 306. Inactive license. To

reactivate a license which has been inactive for 17 years, the licensee must repeat an approved nursing education program. Board members suggested changing from 17 years to 15 years.

3). Section 401. Disciplinary proceedings. Add: an individual who has had any license issued under Title 58, Chapter 31b revoked or surrendered two times or more as a result of unlawful or unprofessional conduct, is ineligible to apply for re-licensure.

4). Section 502, Unprofessional conduct. Add: In accordance with a prescribing practitioner's order and a student care plan, a nurse who trains an unlicensed assistive personnel to administer medications under Section 53A-11-601, shall not be considered to have engaged in unprofessional conduct for inappropriate delegation.

5). Delegation of Nursing Tasks. Add: In accordance with 53A-11-601 and a student care plan, it is appropriate for a nurse to provide training to unlicensed assistive personnel which includes the administration of glucagons, in an emergency situation, provided any training regarding the administration of glucagons is updated at least annually.

Ms. Poe requested Board members review the proposed changes and at the next meeting a vote will be taken regarding the adoption of the changes and additions.

TINA CLARK, ORDER TO SHOW
CAUSE HEARING:

Ms. Clark did not appear and a Default Order was entered.

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HEARING DATE TO BE
SCHEDULED:

Judge Eklund indicated a Hearing needs to be scheduled and he is not available during the scheduled October meeting. He questioned whether or not a majority of Board members would be available December 2, 2005? Mr. Allred, Ms. Rice, Dr. Sehy and Ms. Kirby indicated they would be available on that date. Ms. Johnson, Ms. Hadden and Dr. Williams indicated it would be questionable whether or not they could meet on that date. Ms. Forster-Burke will not be available. Ms. Price, Ms Knape and Ms. Partridge will be contacted to see if they would be available.

2006 ANNUAL MEETING UPDATE:

Ms. Rice indicated the Weber State University ROTC Color Guard will be available. Ms. Forster-Burke reported she has found a singer for the National Anthem. Ms. Johnson is working on the activity and gift baskets.

CATHY HADDEN, CHAIR

DATE

LAURA POE, EXECUTIVE
ADMINISTRATOR

DATE

PROBATION PEER COMMITTEE
MINUTES
SEPTEMBER 30, 2005

CONDUCTING: Cathy Hadden

CONVENED: 9:00 a.m.

ADJOURNED: 11:00 a.m.

MEMBERS PRESENT: Diane Forster Burke
Joel Allred
Mary Williams
Yvonne Sehy
Pam Rice
Cathy Hadden
Marilyn Johnson
Susan Kirby

MEMBERS EXCUSED: Nancy Knape
Lynn Price
Marie Partridge

DIVISION STAFF: Laura Poe, Executive Administrator
Shirlene Kimball, Secretary

TOPIC OF DISCUSSION:

GROUP 1
SECRETARY: SHIRLENE KIMBALL

DONNA COOK,
PROBATION INTERVIEW:

DECISIONS/RECOMMENDATIONS:

Members present: Ms. Forster-Burke,
Mr. Allred, Dr. Williams and Dr. Sehy.

Ms. Cook's suspension was terminated and she was placed on a five year probation. She indicated her pharmacy will be Rite Aid on North Temple and her prescribing practitioner will be Timothy Grange. Ms. Cook submitted her therapist report, employer report, and self assessment report. She stated she has been calling CVI every day. She stated she is not taking any medications not lawfully prescribed for her. She stated she is not taking any illegal substances. She reported she has been clean 4 or 5 years. She

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reported a lot of stress lately, but indicated she has had no thoughts of relapse and has not relapsed. She stated she understands the terms and conditions of her Order.

ALAN CALL,
ANNUAL PROBATION INTERVIEW:

Mr. Call reported things are going well. He stated he missed the July 6, 2005 urine screen because he didn't listen closely to the message. He stated once he received the non-compliance letter he contacted Ms. Poe. Mr. Call is current on all reports. He stated he is not taking any medications that have not been lawfully prescribed for him. He stated he has had no thoughts of relapse and keeps himself out of situations where he will be tempted. He stated he has been clean 8 years. He is requesting he be allowed to either terminate attendance at 12-step meetings or to reduce meetings to twice a month.

JANET MILLER,
ANNUAL PROBATION INTERVIEW:

Ms. Miller is current on all reports and appears to be in compliance with the terms and conditions of her probation. She stated she has had no thoughts of relapse. She stated she has had no relapse. She stated she is not taking any medication not lawfully prescribed for her. She stated she has been clean since June 8, 2002.

BRITTANY FINLAY,
NEW ORDER:

Ms. Finlay did not appear for her scheduled interview. She will be invited to meet with the Board again next month.

MARRINER MERRILL,
NEW ORDER:

Mr. Merrill did not appear for his scheduled interview. He did not meet with the Board last month and it will be recommended he be referred for an Order to Show Cause Hearing.

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GROUP 2
MINUTE TAKER: LAURA POE

Members present: Ms. Hadden, Ms. Johnson, Ms. Kirby and Ms. Rice.

KRIS EVENSON,
PROBATION INTERVIEW:

Ms. Evenson reported her mother passed away on July 14, 2005. She indicated she is doing well under the circumstances. She claims to have been clean and sober for 15 months. Her probation is scheduled to end on October 19, 2005. Ms. Evenson indicated she plans to continue to attend support meetings after probation has ended. This will be her last meeting with the Board.

ARDISS PETERSON,
PROBATION INTERVIEW:

Ms. Peterson reported she has been working at St. George Care Center since her suspension was lifted in June. She indicated she works full time and has had no issues or concerns regarding her practice brought to her attention. She denies taking any drugs not lawfully prescribed for her, denied any problems with substance abuse. She travels from Southern Utah and requested to be seen later in the morning. Ms. Peterson appears to be in compliance with the terms and conditions of her Order.

BRENDA CHIPMAN,
NEW ORDER:

Ms. Chipman called requesting her appointment be rescheduled for next month.

CHRISTINE BULLOCH,
PROBATION INTERVIEW:

Ms. Bulloch submitted documentation of completion of a pharmacology course, however, she has not completed the required 60 hours of one-on-one medication administration experience. She has contacted six facilities who were unable/unwilling to

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let her complete the experience. She is not employed at this time. She last worked as an LPN April 1, 2004. She appears to be in compliance with the terms and conditions of her Order.

TYLER MILLER,
PROBATION INTERVIEW:

Mr. Miller reviewed and signed the proposed Stipulation and Order placing his respiratory therapy license on probation to run concurrent with the probation on his nursing license. Mr. Miller has changed his prescribing practitioner to Jason Oakerlund, FNP and the pharmacy will be Jensen Drug. He still needs to submit a copy of the psychological and substance abuse evaluation and treatment plan from Sevier County Mental Health. Mr. Miller is only working as a respiratory therapist at this time. He claimed to have been clean since April 2005, he denies taking any drugs not lawfully prescribed for him. Mr. Miller is out of compliance because he has not submitted a psychological or substance abuse evaluation.

CATHY HADDEN, CHAIR

DATE